



COUNTY OF LOS ANGELES
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ANDREA SHERIDAN ORDIN
County Counsel

November 15, 2011

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI
Senior Assistant County Counsel

RE: **Item for the Board of Supervisor's Agenda**
County Claims Board Recommendation
Jessie Marin, et al. v. County of Los Angeles
Los Angeles Superior Court Case No. TC 024 255

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisor's agenda.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Jessie Marin, et al. v. County of Los Angeles, Los Angeles Superior Court Case No. TC 024 255, in the amount of \$2,800,000 plus assumption of the Medi-Cal lien of \$16,208.87 and waiver of the Harbor/UCLA Medical Center bill in the amount of \$19,455 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Health Services' budget.

This medical negligence lawsuit by a minor and his parents arises from treatment received at the Harbor/UCLA Medical Center.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jessie Marin, et al. v. County of Los Angeles
CASE NUMBER	TC 024255
COURT	Los Angeles Superior Court South Central District
DATE FILED	May 5, 2010
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$2,800,000 plus the assumption of the Medi-Cal lien in the amount of \$16,208.87 and waiver of the hospital bill in the amount of \$19,455.
ATTORNEY FOR PLAINTIFF	Shirley K. Watkins Law Offices of Michels & Watkins
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	<p>On March 21, 2008, Guadalupe Fernandez, an 18-year-old pregnant female, presented to Harbor/UCLA Medical Center ("HUMC") for induction of labor.</p> <p>The staff at HUMC observed the mother and her fetus. On March 23, 2008, at about 1:55 a.m., the patient gave birth to her son, Jessie Marin. Jessie Marin demonstrated evidence of neurological injuries.</p>

Jessie Marin, through his
Guardian Ad Litem, filed an action
against the County of Los Angeles
contending that the HUMC staff
failed to perform an early
cesarean section, and that such
failure contributed to his injuries.

PAID ATTORNEY FEES, TO DATE

\$60,652

PAID COSTS, TO DATE

\$51,868.96



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	3/23/2008
Briefly provide a description of the incident/event:	<p>On March 21, 2008, Guadalupe Fernandez, an 18 year old pregnant female, presented to Harbor UCLA Medical Center ("HUMC") for induction of labor.</p> <p>The staff at HUMC observed the mother and her fetus. At about 1:55 AM on March 23, 2008, the patient gave birth to her son, Jesse Marin. Jesse demonstrated evidence of neurological injuries. Jesse Marin, through his Guardian-ad-Litem, filed an action against the County of Los Angeles contending that the HUMC staff failed to perform an early Cesarean Section, and that such failure contributed to his injuries</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

- Fetal distress during labor resulting in neurological impairment

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

- All appropriate personnel corrective actions have been taken.
- A system wide survey was conducted to determine the process for ensuring obstetric nursing competency for fetal heart rate monitoring. It was determined that there are educational programs and exams for nurses at each facility.
- A system wide survey was conducted to determine the process of documentation in the perinatal setting. It was determined that all DHS hospitals who provide perinatal services have documentation standards in place.
- Several system wide surveys (within and external to DHS) were conducted to determine the training, competency, credentialing, and privileging requirements for obstetric physicians related to fetal heart rate monitoring.
- Educational conferences were held regarding fetal heart rate monitoring for physicians and nurses. The training materials for fetal heart rate monitoring were also updated.
- All obstetric attending and resident staff completed the DHS Fetal Heart Monitoring training and examination which is now tied to physician credentialing.
- A focused review of labor and delivery services at Harbor UCLA Medical Center and Olive View UCLA Medical Center demonstrated that complication rates are at or below national benchmarks.

County of Los Angeles
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- ☐ Potentially has County-wide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- X Does not appear to have County-wide or other department implications.

Name: (Risk Management Coordinator) <i>Kimberly McKenzie</i>	
Signature: <i>Kimberly McKenzie</i>	Date: <i>10/12/11</i>

Name: (Department Head) <i>Mitchell H. Katz, M.D.</i>	
Signature: <i>Mitchell H. Katz</i>	Date: <i>10/17/11</i>

Chief Executive Office Risk Management

Name: <i>LEO COSTANTINO</i>	
Signature: <i>LEO COSTANTINO</i>	Date: <i>10/6/2011</i>